Secretary of State
Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

August 24, 2012

Len Weimer
1284 Woodridge Dr
Rapid City, SD 57701

Dear Len:

Our office is in receipt of your raffle request. The date of the filings is August 23, 2012. You may begin selling tickets 30 days after the filings, which would be September 23, 2012.

If there is any other way in which our office could assist you, please feel free to contact me at (605) 773-3537 or email me at Judy.Larson@state.sd.us. Thank you.

Sincerely,

Judy A. Larson

Judy A. Larson
Executive Assistant

Administration
Tel: (605) 773-3537
Fax: (605) 773-6580

Corporations
Tel: (605) 773-4845
Fax: (605) 773-4550

Uniform Commercial Code
Tel: (605) 773-4422
Fax: (605) 773-4550

Larson, Judy (SOS)

From: Len Weimer [lenweimer@gmail.com]
Sent: Thursday, August 23, 2012 4:22 PM
To: Larson, Judy (SOS)
Subject: You're Invited to the 2012 SMART Fall Retreat

YOU'RE INVITED TO THE
2012 SMART Fall Retreat and Fundraiser to Benefit Storybook Island

Featuring Holly Hoffman from the TV series Survivor

Hosted by: Smart Building Council
When: October 18, 2012 at 5:30pm
Where: Howard Johnson (across from Central High School)

$30 per person for members and $40 for non-members. Includes hosted social hour, buffet dinner, presentation and chance to win door prizes. $10 of all tickets will be given to Storybook Island. Get your tickets online at: http://legacyfoundation.vpweb.com/2012-Fall-Retreat.html

Visit us: www.smartbuildingcouncil.org

This message was sent to Judy.Larson@state.sd.us from:
Smart Building Council | 1284 Woodridge Drive | Rapid City, SD 57701
Manage Your Subscription | **Forward To a Friend**

Email Marketing by iContact

Legacy
FOUNDATION, INC.

Monday, August 27, 2012

Judy Larson
Executive Assistant
SD Secretary of State's Office
500 E. Capitol Ste. 204
Pierre, SD 57501

Dear Ms Larson.

In response to your letter dated August 20th 2014, I offer the following information:

- The winner will receive a materials package and a set of construction plans needed to build a 612 SF Smarthome . This package is valued at approximately $20,000. The complete list of materials as priced earlier this year is available at our office and will be available on our website. Or the winner may choose $10,000 Cash Prize.
- The raffle will benefit the SMART Legacy Foundation Educational Seminars and Programs.
- We will hold the raffle at one of our Smart Events in the fall of 2013 or the spring of 2014.

We have lost time and sponsors for this year. We will not sell tickets or work to secure partners until we have received your letter as requested.

Kindest Regards

Len Weimer
President

RECEIVED
AUG 31 2012
S.D. SEC. OF STATE

1284 Woodridge Drive | Rapid City SD 57701 | 605-341-3404 | lweimer@rap.midco.net

Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

August 20, 2012

Len Weimer
1284 Woodridge Drive
Rapid City, SD 57701

Dear Mr. Weimer:

After reviewing your correspondence with Sharlene Mitchell with the City of Rapid City, we feel that you are qualified to hold a raffle according to SDCL 22-25-25. However, under the same codified law our office must receive a written request to hold such a raffle.

Therefore, our office must receive a letter from you on your letterhead requesting to hold such raffle with the following information: what is being raffled, what the raffle will benefit, where the drawing will be held and when the drawing will be held. Keep in mind that you may not begin selling tickets until 30 days after our office has been notified, which I will send you a letter with the date your raffle has been filed with our office and the date which you may begin selling tickets.

I hope this will get you well on your way with your raffle. Should you have any further questions, please don't hesitate to contact me.

Sincerely,

Judy A. Larson

Judy A. Larson
Executive Assistant
SD Secretary of State's Office
500 E. Capitol, Ste. 204
Pierre, SD 57501

cc'd to Sharlene Mitchell

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Fax: (605) 773-6580

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Legacy FOUNDATION, INC.

Sunday, April 15, 2012

[redacted]

Sharlene Mitchell
City of Rapid City
300 6th Street
Rapid City, SD 57701

Dear Ms Mitchel.

In response to your contact via e-mail last week, I am writing to document our position with regards to our FOUNDATIONS plan for a FREE house promotion during 2012-2013. It is our intention to hold a drawing for the Free house at the conclusion of the Black Hills Home Builders Show in Rapid City in March of 2013. We plan to seek donations and contributions from our members to provide the grand Prize, which is the entire SMARThome Building Materials Package valued at over $20,000. (Or $10.000 Cash). We have already contacted many vendors and we believe we can get all of the materials donated before the drawing takes place. We currently have three sponsors. My company, SMART Contractors and Bridger Steel. So we believe we will raise substantial funds to be awarded to our foundations benefactors. My wife and I, thru our company, Deblen Investments has pledged $10,000 to guarantee the Cash Prize.

We believe our Foundation qualifies as a bona fide Non-profit Educational and Charitable Organization under SDCL 22-25-24, but we are not attorneys and do not wish to hire one if it can be avoided. Please advise our next course of action. As I explained to you on the phone, we have suspended the activity on this project pending the outcome of this process. So time is of the essence. May I hear from you bon or before May 1st?

Kindest Regards

Len Weimer
President

RECEIVED
APR 17 2012
S.D. SEC. OF STATE

1284 Woodridge Drive | Rapid City SD 57701 | 605-341-3404 | lweimer@rap.midco.net

Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

April 11, 2012

Len Weimer
1284 Woodridge Drive
Rapid City, SD 57701

Dear Mr. Weimer:

It has come to our attention that your organization, Smart Legacy Foundation, Inc., registered as a Domestic Nonprofit, has been conducting a raffle requiring a $10 fee for each registration. Please be advised that our office believes this constitutes a game of chance or "lottery" as defined under SDCL 22-25-24.

Under SDCL 22-25-25 (attached), in South Dakota there are conditions that must be met for a lottery to not be construed as gambling in South Dakota. First and foremost, the bingo game or lottery must be conducted by "a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization."

A review of the Smart Legacy Foundation's filing as a non-profit with our office indicates that your foundation's purpose is "primarily to promote economic development of SMART branded residential development and construction" and "any other worthwhile cause with ideas designed to reduce stress."

Secondly, according to state law, allowed organizations before selling any chances for a lottery are required to give thirty days' written notice to the county or municipality in which it intends to conduct the bingo game or lottery, with them not objecting, and notice must be given to this office for state-wide lotteries.

Given that this raffle or lottery is being advertised via the world wide web, we would consider it being conducted statewide, requiring notice to our office in addition to that of the governing body. From a review of our records, and a contact with the offices of the City of Rapid City, we cannot determine that the notice required by law has taken place.

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Fax: (605) 773-6580

Corporations
Tel: (605) 773-4845
Fax: (605) 773-4550

Uniform Commercial Code
Tel: (605) 773-4422
Fax: (605) 773-4550

I would appreciate it if you would clarify the organizational exemptions your group is conducting the raffle under, as well as how your group intends to comply with the registration requirements of South Dakota Law.

Thank you for your assistance in this matter.

Sincerely,

Jason M. Gant
Secretary of State

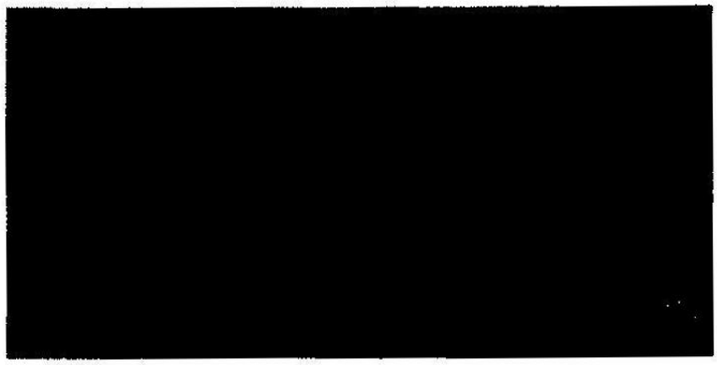
cc: Sharlene Mitchell, Rapid City Finance Office

enc.

SMART CONTRACTORS Choosing SMART is... SIMPLE and EASY

HOME
FREE HOUSE
SPONSORSHIPS
DEVELOPMENTS
SMARTlenders
SMARTloan
FREE ESTIMATES

WIN THIS SMARTthome



REGISTER at PARTICIPATING MERCHANTS AND SPONSORS

Details:

Win a material Package to build this SMARTthome, a $20,000* value. Register as often as you wish with each Fully Tax deductible DONATION to CHARITY... $10 SVC per registration. Drawing to be held during the BHHB Home show, in March 2013. Proceeds from all sales will be used to promote Legacy Foundation Inc. charities, including The Minneluzalon Senior Citizens Center, Storybook Island and Crazy Horse Memorial and other local charities as determined by the Foundations Board of Trustees. All entries must be on the official SMART entry form. Need not be present to win.

*or cash prize of $10,000

Sponsored by:

22-25-25. Bingo and lotteries permitted for restricted purposes--Conditions. The game, bingo, as defined in § 22-25-23, or lottery, as defined in § 22-25-24, may not be construed as gambling or as a lottery within the meaning of § 22-25-1, if:

(1) The bingo game or lottery is conducted by a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; a local industrial development corporation as defined in § 5-14-23; or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota;

(2) The proceeds therefrom do not inure to the benefit of any individual;

(3) No separate organization or professional person is employed to conduct the bingo game or lottery or assist therein;

(4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any bingo session in connection with the conduct of the bingo game or in consideration of any lottery. However, the provisions of this subdivision do not apply to games or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to chapter 1-21, or a civic celebration recognized by resolution or other similar official action of the governing body of a county, municipality, or village;

(5) No prize in excess of two thousand dollars is awarded at any one play of bingo;

(5A) The actual value of any lottery prize is stated before any chances for the lottery are sold. A lottery prize of a stated amount of dollars in value may be given to a person who sells a winning lottery ticket or share as long as the winning lottery ticket or share is selected at random;

(6) The organizations authorized under subdivision (1) of this section, before conducting a bingo game or before selling any chances for a lottery give thirty days' written notice of the time and place thereof to the governing body of the county or municipality in which it intends to conduct the bingo game or lottery, and the governing body does not pass a resolution objecting thereto. However, any organization that conducts a lottery and tickets or shares for such lottery are sold state-wide shall provide written notice of such lottery pursuant to this subdivision only to the secretary of state and to the governing body where the drawing for such lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of lottery tickets or shares for such lottery issued pursuant to this section; and

(7) No organization authorized to conduct a bingo game or lottery under subdivision (1) of this section may enter into any lease or agreement with any other person or organization to provide equipment or services associated with the conduct of a bingo game or lottery. However, this subdivision does not apply to any lease or agreement with a distributor licensed pursuant to §§ 22-25-28 to 22-25-51, inclusive, to provide bingo or lottery equipment and supplies.

Source: SL 1970, ch 247, § 4 (1); SL 1973, ch 149, § 4; SL 1976, ch 158, § 25-8; SL 1984, ch 168; SL 1985, ch 184; SL 1987, ch 167; SL 1989, ch 198, § 1; SL 1991, ch 191; SL 1991, ch 192; SL 1992, ch 60, § 2; SL 2001, ch 113, § 1; SL 2006, ch 127, § 1; SL 2010, ch 122, § 1.

SOUTH DAKOTA
SECRETARY OF STATE
Jason M. Gant

Name	**SMART LEGACY FOUNDATION, INC.**
Corporate ID	**NS014578**
Incorporation/Qualification Date	**4/13/2011**
Home State	**SOUTH DAKOTA**
Status	**Good Standing**
Last Annual Report	**2012**
Corporation Type	**Domestic Nonprofit**
Stock Info	

Registered Agent Name & Address

LEN WEIMER
1284 WOODRIDGE DRIVE
RAPID CITY, SD 57701-5372

Secretary of State | Capitol Building | 500 East Capitol Avenue | Pierre SD 57501 | (605) 773-3537 | Fax: (605) 773-6580 | sdsos@state.sd.us

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

ARTICLES OF INCORPORATION
DOMESTIC NONPROFIT CORPORATION

Please Type or Print Clearly in Ink

Please submit one Original and one Photocopy

FILING FEE: $30 payable to SECRETARY OF STATE

RECEIVED
APR 0 [illegible] 2011
S.D. SEC. OF STATE

RECEIVED
APR 13 [illegible]
S.D. SEC. OF [illegible]

Telephone # (605) 341-3404
FAX # _____

Filed this 13th day of April 2011
Jason Gant
SECRETARY OF STATE

Article I

The name of the corporation is Smart Legacy Foundation, Inc.

Article II

The period of existence is: Perpetual

Article III

The purpose for which the corporation is organized.

Primarily to promote economic development of SMART branded residential development and construction and to promote development of SMART branded ideals for Improving lifestyles with SMART lifestyle changes for ecology, finance, health and wellness, jobs creation and any other worthwhile cause with ideas designed to reduce stress

Article IV

Check one:

☐ The corporation will have members.

☑ The corporation will not have members.

381 3430 04/19/2011

Article V

If the corporation is to have one or more classes of members, any provision which the incorporators elect to set forth designating the class or classes of members and stating the qualifications and rights of the members of each class.

Article VI

If the directors are not to be elected or appointed by one or more classes of members, a statement of the manner in which such directors shall be elected or appointed.

The manner of the election of the Board of Directors and all other matters pertaining to the Board of Directors shall, except as otherwise provided in these Articles of Incorporation and subject to all applicable law, be prescribed by and determined in accordance with the Bylaws of the Corporation. Said Corporation shall have the power to make and alter the Bylaws not inconsistent with the Articles of Incorporation or with the laws of the State of South Dakota for the administration and regulations of the affairs of the Corporation.

Article VII

Any provisions which the incorporators elect to set forth for the regulation of the internal affairs of the corporation, including any provision for the distribution of assets on dissolution or final liquidation.

Upon the liquidation, dissolution or winding up of the association, assets of the association shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

Article VIII

The South Dakota Registered Agent name Len Weimer

1284 Woodridge Drive	Rapid City	SD	57701
Street Address or Rural Route Box Number in This State and	City	State	ZIP+4
Mailing Address in This State, if Different from Street Address	City	State	ZIP+4

When listing a Commercial Registered Agent, please state their CRA #.
This number can be obtained from the Commercial Registered Agent.

Legacy
FOUNDATION, INC.

Sunday, April 15, 2012

HAND DELIVERED

Sharlene Mitchell
City of Rapid City
300 6th Street
Rapid City, SD 57701

Dear Ms Mitchel.

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Kindest Regards

Len Weimer
President

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